

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:11-CR-274-FL-1

UNITED STATES OF AMERICA,)
)
 v.)
)
DARNELL MICHAEL DUNN,)
)
 Defendant.)

ORDER

This matter is before the court on defendant's motion for reconsideration of the court's August 12, 2015, order reducing defendant's sentence, entered pursuant to 18 U.S.C. § 3582(c), U.S.S.G. § 1B1.10(c), and U.S.S.G. Amendment 782. For the reasons that follow defendant's motion for reconsideration is denied.

COURT'S DISCUSSION

Defendant moves for reconsideration of an order amending his sentence, entered under 18 U.S.C. § 3582(c)(2). "The law closely guards the finality of criminal sentences against judicial change of heart." United States v. Goodwyn, 596 F.3d 233, 235 (4th Cir. 2010) (internal quotations omitted). A district court "may not modify a term of imprisonment once it has been imposed," 18 U.S.C. § 3582(b), "unless the Bureau of Prisons moves for a reduction, the Sentencing Commission amends the applicable Guidelines range, or another statute or Federal Rule of Criminal Procedure 35 expressly permits the court to do so." Goodwyn, 596 F.3d at 235; 18 U.S.C. § 3582(c)(2).

Defendant now asks the court to reconsider its judgment. Defendant's motion, however, cannot be read as one to correct a technical error. See Fed. R. Crim. P 35(a). Further, defendant's argument goes far beyond contentions that the court's 120-month sentence was clear error, where

he asks the court to reconsider his sentence in light of his post-sentencing good conduct. Therefore, the court is without jurisdiction to entertain the motion.

CONCLUSION

Based on the foregoing, defendant's motion for reconsideration is DENIED.

SO ORDERED, this the 11th day of September, 2015.

A handwritten signature in black ink, reading "Louise W. Flanagan". The signature is written in a cursive, flowing style. The first letter "L" is large and loops around. The "W" and "F" are also prominent. The signature is positioned above a horizontal line.

LOUISE W. FLANAGAN
United States District Judge